

REMARKS

The Office Action dated September 26, 2003 has been received and carefully studied.

Applicant affirms its election to prosecute the invention of claims 1-42. By the accompanying amendment, claims 43-72 have been cancelled without prejudice.

The Examiner rejects claims 1-42 under 35 U.S.C. 103(a) as being unpatentable over Strickland et al., U.S. Patent No. 6,251,878. The Examiner states that Strickland et al. disclose methods and compositions for the prevention and/or treatment of immunological damage to skin exposed to UV radiation and that vitamins are useful in the composition, including vitamin B3, niacinamide, B12, cyanocobalamin and B9, and folic acid. The Examiner also states that Strickland et al. disclose that other sunscreens or UV absorbers may be useful in the invention to protect the skin. The Examiner admits that Strickland et al. do not disclose the specific structural formula of vitamin B12 claimed, but considers that it would have been obvious to have used this B12 or a derivative in the composition of Strickland et al.

By the accompanying amendment, claim 1 has been amended to recite a method for treating or preventing damage to skin cells in a mammal caused by ultraviolet radiation, comprising administering an effective amount of vitamin B12, vitamin B3, vitamin B9, derivatives thereof or

mixtures thereof. Support for the amendment can be found at pages 7-8, for example. The amendment makes it clear the ingredient effective for treating or preventing damage to skin cells caused by UV radiation is one or more of the recited vitamins, as one or more of these vitamins are required to be administered in an amount effective for treating or preventing skin cell damage.

In contrast, the clear objective of Strickland et al. is to treat or prevent immunological damage to skin exposed to UV radiation by administering biologically active tamarind seed xyloglucan oligosaccharides. It is this oligosaccharide that is the active ingredient in the Strickland et al. compositions and methods, and that is present in the effective amount. Although Strickland et al. does disclose that other ingredients may be present in the compositions, including vitamin B12, B3, B9 and folic acid, Strickland et al. expressly teaches that these optional ingredients may be used to provide the hair with valuable nutrition (column 11, lines 40-41). Nowhere do Strickland et al. disclose or suggest a method of administering an effective amount of these ingredients to treat or prevent skin cell damage due to exposure to UV radiation as now recited in the instant claims.

Reconsideration and allowance are respectfully  
requested in view of the foregoing.

Respectfully submitted,

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